

REMARKS

Claims 36-44, 46, 47, 49, 51-60, and 69-76 are subject to restriction and election requirement. Specifically, the Examiner stated that the application contains claims directed to the following patentably distinct species: a) Trap, b) Centrifuge (i. Other Tissue and ii. Blood), and c) Filter. The Examiner further stated that the "Applicant is required under 35 U.S.C. §121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none are generic."

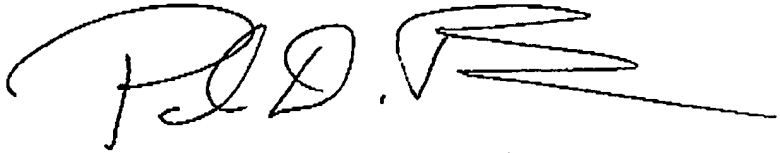
In response, Applicant hereby elects Species c., with traverse. Applicant traverses the election of species requirement as unnecessary given that a significant number of claims are generic with respect to the three species set forth in the Office Action. Although the Examiner stated that there are no generic claims, Applicant respectfully submits that claims 36, 38-44, 49, 51, 53-57, 60, 69, and 73-76 are generic. These claims are not limited to any of the above species because they do not recite a trap, centrifuge, or filter. For example, claim 36 recites a separating step. This step could be performed by a trap, centrifuge, filter, or any other means disclosed or equivalent to those disclosed in the specification.

Furthermore, both the search and examination of all claims can be made without serious burden. For example, all the claims recite the steps of removing body tissue from the patient's body and implanting at least a portion of the removed tissue in the patient's body. Thus, regardless of whether all claims are examined together or separately, a review of the prior art for these claim recitations is required so that search and examination of all claims does not present a serious burden. Accordingly, an examination of all claims on the merits is required, even if the application includes claims to distinct or independent inventions. *See* MPEP § 803.

Therefore, Applicant elects, with traverse, Species c. Filter and submits that claims 36, 38-44, 46, 49, 51, 53-58, 60, 69, and 73-76 read on the elected species.

In light of the foregoing remarks, this application is now in condition for an examination on the merits, and early action is respectfully requested. If any questions remain regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned. Please charge any required fee (or credit any overpayments of fees) to the Deposit Account of the undersigned, Account No. 500601 (Docket no. 780-A02-014-8).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P.D. Bianco', with a long horizontal flourish extending to the right.

Paul D. Bianco, Reg. # 43,500

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